

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:12-CT-3059-F

JAMES ANTHONY MAY, )  
Plaintiff, )  
v. ) ORDER  
MICHELE LUECKING-SUNMAN, )  
Defendant. )

On March 7, 2012, James Anthony May (“May” or “plaintiff”), an inmate in the custody of the State of North Carolina currently incarcerated at Alexander Correctional Institution, filed this action under 42 U.S.C. § 1983 against Michele Luecking-Sunman, whom he describes as a staff attorney at North Carolina Prisoner Legal Services, Inc. Compl. 2. Plaintiff has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) [D.E. # 3, 6]. While plaintiff’s complaint was pending this court’s required frivolity review pursuant to § 1915(e), on August 16, 2012, he filed a document [D.E. # 8], in letter form, in which he “ask[s] the Court to close all case’s I got pended in federal District Court, because corrupt, fraudulent, negligence, conspiracy and racial and other misconduct by the Judge(s) and the Clerk’s office.” The court will construe this filing as a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure. Accordingly, it is ORDERED that the complaint is DISMISSED without prejudice. The Clerk of

Court is DIRECTED to close this case.<sup>1</sup>

SO ORDERED. This the 21 day of August, 2012.

  
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JAMES C. FOX  
Senior United States District Judge

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<sup>1</sup> The court here notes that, were this matter not voluntarily dismissed by plaintiff, the court would have dismissed the matter as frivolous and for failure to state a claim upon which relief could be granted pursuant to § 1915(e)(2)(B)(i) & (ii). Plaintiff's complaint only challenges the defendant's actions in investigating a prior complaint of his for purposes of providing legal assistance. Generally, "NCPLS and its attorneys are not state actors amenable to suit under § 1983." Bryant v. N.C. Prisoner Legal Servs., Inc., 1 F.3d 1232, 1993 WL 291448 at \*1 (4th Cir. Aug. 2, 1993).